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WASHINGTON, D.C. 20231
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Mailed: OCT 29 2001

CST

Paper No. 4

In re application of :
Gerbrand Deetman :
Serial No. 09/801,833 :
Filed: March 8, 2001 :
For: STABILIZED PHOSPHATE ESTER-BASED :
FUNCTIONAL FLUID COMPOSITIONS :

DECISION ON
PETITION

This is a decision on the PETITION TO NOT MERGE REISSUE PROCEEDINGS, filed March 8, 2001. Petitioner requests that the currently filed reissue application 09/801,833 not be merged with the copending merged reissue/reexamination 08/966,425; 90/004,683.

DECISION

U.S. Patent No. 5,464,551 issued on November 7, 1995. On July 2, 1997, a request for reexamination was filed (90/004,683). On November 7, 1997, reissue application 08/966,425 was filed. The reexamination proceeding and the reissue application were subsequently merged on April 23, 1998. The merged reissue/reexamination issued as US Re 37,101 on March 20, 2001. The current reissue application, application 09/801,833, was filed on March 8, 2001.

As the merged reissue/reexam has already issued as US Re 37,101 on March 20, 2001, the PETITION TO NOT MERGE REISSUE PROCEEDINGS, filed March 8, 2001, is moot.

The petition is **DISMISSED**.

The current reissue application will be returned to the examiner for prompt preparation of an Office action.



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